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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92064160
Party	Plaintiff Urban Villages, Inc.
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Date	09/12/2016
Attachments	92064160 - First Amended Petition For Cancellation.pdf(640134 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of the Trademark Registration No. 3,150,251  
For the Trademark: URBAN VILLAGE in International Class 37

Urban Villages, Inc.,  
Petitioner,

v.

Terrence R. Wall Revocable Trust,  
Respondent.

**CANCELLATION NO.** \_\_\_\_\_

**FIRST AMENDED PETITION FOR CANCELLATION**

Urban Villages, Inc. ("Urban Villages"), a Colorado corporation having its principal place of business at 1530 16th Street, Suite 350 Denver, CO 80202, believes that it is damaged by Registration No. 3,150,251 for the mark URBAN VILLAGE, which is owned by Terrence R. Wall Revocable Trust (the "Trust"), and hereby petitions to cancel the same under the provisions of 15 U.S.C. § 1051 *et. seq.* As grounds for cancellation, Urban Villages asserts that:

1. Urban Villages is a successful real estate development and property management company out of Denver Colorado that focuses on long-term value generation through place-oriented design and detail-oriented operations that implement the highest standards for planning, design, development, and management.

2. On October 14, 2015, Urban Villages filed a federal trademark application for the mark URBAN VILLAGES for use with project management for planning design in Class 35, real estate management services in Class 36, real estate development in Class 37 and concierge services in Class 45 under Intent to Use Application Serial Number 86/788,139 (the "Urban Villages Mark").

3. On October 22, 2005, T. Wall Properties Management Group Corp. filed a federal trademark application for URBAN VILLAGE in Class 37 (“Respondent’s Mark”) for commercial real estate development services with a first use date of October 13, 2005. The application was rejected based on a 2(e)(1) descriptiveness refusal and was amended to the Supplemental Register in response on August 2, 2006. The application registered on September 26, 2006 (the “Registration”)

4. The Registration’s ownership was transferred to the Trust on July 30, 2007.

5. The Urban Villages Mark received a non-final office action on February 10, 2016 refusing the Urban Villages Mark under Section 2(d) based on a likelihood of confusion with the Registration owned by the Trust.

6. The Respondent’s Mark is no longer in use in commerce and has been abandoned.

7. The Urban Villages Mark stands the possibility of refusal of registration due to a potential likelihood of confusion with Respondent’s abandoned Mark.


8. Because Respondent’s Mark is no longer in use and has been abandoned the Board should cancel the Registration pursuant to 15 U.S.C. § 1051.

WHEREFORE, Urban Villages respectfully requests that U.S. Trademark Registration No. 3,150,251 be cancelled, and that this Petition for Cancellation be sustained in favor of Urban Villages.

Respectfully submitted,

Dated: September 12, 2016

By:

  
\_\_\_\_\_  
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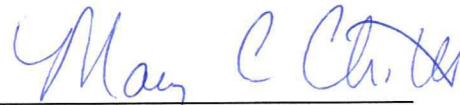
ATTORNEYS FOR PETITIONER

**CERTIFICATE OF SERVICE**

I, Mary C. Childs, hereby certify that on September 12, 2016, I served the foregoing First Amended Petition for Cancellation upon the following person(s) via U.S. mail:

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